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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DENNIS KING and TRICIA KING,
8 husband and wife,

9 Plaintiffs,

10 v.

11 TERENCE SEAN MCGEE, M.D. and
12 OHS HEALTH & SAFETY
13 SERVICES, INC., a California
14 Corporation,

15 Defendants.

NO. 2:12-CV-0622-TOR

ORDER GRANTING DEFENDANT
OHS, INC.'S MOTION FOR ENTRY
OF JUDGMENT AS A MATTER OF
LAW

16 BEFORE THE COURT is Defendant OHS Health & Safety Services, Inc.'s
17 Motion for Entry of Judgment as a Matter of Law. ECF No. 237. This matter was
18 submitted for consideration without oral argument. The Court has reviewed the
19 record and files herein, and is fully informed.

20 On January 19, 2017, the Court entered a Judgment in favor of Plaintiffs
Dennis and Tricia King against Defendants Terence Sean McGee, M.D., Kim
McGee, and OHS Health & Safety Services, Inc. following a jury trial. ECF No.

ORDER GRANTING DEFENDANT OHS, INC.'S MOTION FOR ENTRY OF
JUDGMENT AS A MATTER OF LAW ~ 1

1 195. On September 5, 2017, the Court granted Plaintiffs' motion to certify the
2 judgment and register it in the Central District of California. ECF No. 228.

3 On February 2, 2017, Defendants filed a Notice of Appeal with the Ninth
4 Circuit Court of Appeals. ECF No. 197. On June 18, 2018, the Ninth Circuit
5 determined that this Court erred in not granting OHS's motion for judgment as a
6 matter of law. ECF No. 235 at 3. The Ninth Circuit reversed this Court's judgment
7 against OHS and "remand[ed] for entry of judgment as a matter of law in OHS's
8 favor." *Id.* at 4. The Mandate was issued on July 10, 2018. ECF No. 236.

9 In the instant motion, OHS requests entry of an order granting its motion for
10 judgment as a matter of law dismissing it from this action, an amended judgment
11 reflecting OHS's dismissal from this suit, and that Plaintiffs be ordered to take all
12 actions necessary to replace the certified judgment filed in the Central District of
13 California with the appropriate amended judgment. ECF No. 237 at 1-2.

14 Plaintiffs agree that based on the Ninth Circuit Memorandum Opinion, entry
15 of judgment as a matter of law in favor of OHS is appropriate. ECF No. 238 at 2.
16 Plaintiffs assert that their counsel will take steps to certify and file a second amended
17 judgment in the Central District of California upon receipt of the same. *Id.*

18 The Court grants OHS's Motion and dismisses OHS from this suit in
19 accordance with the Ninth Circuit order. The Court orders that the Judgment be
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1 amended to reflect this dismissal and Plaintiffs shall file the amended judgment in
2 the Central District of California.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 1. Defendant OHS, Inc.'s Motion for Entry of Judgment as a Matter of Law
5 (ECF No. 237) is **GRANTED**.

6 2. The Clerk of Court shall enter a Second Amended Judgment (amending
7 ECF No. 234) reflecting the dismissal of Defendant OHS.

8 3. The Clerk of Court shall certify the Second Amended Judgment and
9 Plaintiffs shall register the Second Amended Judgment in the Central
10 District of California.

11 The District Court Clerk is directed to enter this Order and provide copies to
12 counsel.

13 **DATED** August 9, 2018.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge